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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,284	06/08/2006	Krzysztof Skiba	257.802	4934
37004	7590	10/30/2007		
POWER DEL VALLE LLP 233 WEST 72 STREET NEW YORK, NY 10023			EXAMINER MANSKAR, KRISTEN	
			ART UNIT 2875	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/596,284

Applicant(s)

SKIBA, KRZYSZTOF

Examiner

Kristen A. Manskar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1 and 2** are rejected under 35 U.S.C. 102(e) as being anticipated by Ohizumi, et al. (Patent 6,979,115), hereafter referred to as Ohizumi.

3. Regarding claim 1, Ohizumi discloses a lighting clip fixed around an edge of a transparent or semi-transparent panel (12) in a removable or permanent way, and supplied by an electric power system (Column 1, Lines 14-35), characterized by the fact that it is in the form of a section (Figure 5), with at least one side open (Figure 5), built of clamping arms (15 b and 15 d) joined with a connector (see connector 15 noted by thickness A in Figure 5) and equipped with at least one source of light (13) placed in the internal space (Figure 6).

4. With respect to claim 2, Ohizumi discloses a clip characterized by the fact that the section is in the form of an elastic- self supporting shape (Column 3, Lines 60-65), open on one side (Figure 5), consisting of clamping arms (15 b and 15 d) of a different

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length (Figure 6; Column 7, Lines 30-50), where one of the arms is diagonal (15c) to the external surface of the panel (Figure 6).

5. **Claims 1, 3, and 4** are rejected under 35 U.S.C. 102(b) as being anticipated by Furihata (Patent 6,309,081), hereafter referred to as Furihata.

6. Regarding claim 1, Furihata discloses a lighting clip fixed around an edge of a transparent or semi-transparent panel (20) in a removable or permanent way, and supplied by an electric power system (Figure 4), characterized by the fact that it is in the form of a section (Figure 1), with at least one side open (Figure 1), built of clamping arms (301) joined with a connector (see rounded connector separating arms 301; Figure 1) and equipped with at least one source of light (10) placed in the internal space (Figure 1).

7. In regard to claim 3, Furihata discloses a clip characterized by the fact that the section is in the form of an elastic- self supporting shape (Column 8, Lines 6-9), open on one side (Figure 1), consisting of clamping arms (301) of equal length (Figure 1), where both arms are diagonal (Figure 1) to the external surface of the panel (20).

8. In reference to claim 4, Furihata discloses a clip (300) that the section is formed of a shape (Figure 1), open on one side (Figure 1), consisting of clamping arms (301) are parallel to one another (Figure 1). Note that before the clamping arms branch out, the arms are temporarily parallel to one another.

**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen A. Manskar whose telephone number is (571) 270-1220. The examiner can normally be reached on Monday-Friday 7:30a.m.-5p.m..

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAM

*Kristen A. Manskar*

*Sharon Payne*  
SHARON E. PAYNE  
PRIMARY EXAMINER